

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BIG RUN STUDIOS INC., et al.,

Plaintiffs,

v.

AVIAGAMES INC.,

Defendant.

Case No. 21-cv-04656-AMO (SVK)

**FURTHER ORDER ON
ADMINISTRATIVE MOTION TO
CONSIDER WHETHER ANOTHER
PARTY'S MATERIAL SHOULD BE
SEALED**

Re: Dkt. No. 131

On May 19, 2023, Plaintiffs filed an administrative motion to consider whether material included in a joint statement regarding a discovery dispute (Dkt. 129 - the "Joint Statement") and Ex. A to the Joint Statement (Dkt. 129-1 - "Exhibit A") that had been designated as "Highly Confidential – Attorneys' Eyes Only" by Defendant should be sealed. Dkt. 131 – the "Motion to Seal." On May 26, 2023, in accordance with Civil Local Rule 79-5(f), Defendant filed a statement regarding the Motion to Seal. Dkt. 135. Defendant explained why the designated information in the Joint Statement should be sealed. *Id.* Defendant took no position on whether the designated information in Exhibit A should be sealed, explaining that the information in Exhibit A had been obtained from a third party, Pluto Limited ("Pluto"). *Id.*

On June 13, 2023, the Court issued an order on the Motion to Seal that (1) granted the Motion to Seal the designated portions of the Joint Statement, and (2) deferred a ruling on the Motion to Seal the designated portions of Exhibit A. Dkt. 141. The Court ordered that by June 16, 2023, Defendant serve a copy of the order on Pluto and file a proof of service with the Court. *Id.* The Court further ordered that if whichever entity (Defendant or Pluto) that had designated the material in Exhibit A under the Protective Order sought to seal that information, that entity was required to file a declaration or statement as set forth in Civil Local Rule 79-5(f) by

1 June 27, 2023. *Id.* The Court stated that “[i]f no such declaration or statement is filed, the Court
2 will deny the motion to seal this material.” *Id.*

3 On June 16, 2023, Defendant filed a proof of service on Pluto as ordered by the Court.
4 Dkt. 142. No declaration or statement in support of sealing the designated material in Exhibit A
5 was filed by the June 27, 2023 deadline or as of the date of this order.

6 Accordingly, the Motion to Seal the material in Exhibit A as set forth in Dkt. 131 is
7 **DENIED**. Plaintiffs are instructed to file an unredacted version of Exhibit A no later than
8 **August 29, 2023**.

9 **SO ORDERED.**

10 Dated: August 22, 2023

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13 SUSAN VAN KEULEN
14 United States Magistrate Judge
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